

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 45:045. Aptitude ~~[Written]~~ examination.

RELATES TO: KRS 16.050, 16.080(1)

STATUTORY AUTHORITY: KRS 16.050, 16.080(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.050 and 16.080(1) require the establishment of open competitive examination of applicants for employment as troopers. This administrative regulation establishes the criteria for the aptitude~~[written]~~ examination.

Section 1. The aptitude~~[written]~~ examination shall be:

- (1) Practical in nature; and
- (2) Designed and constructed to reveal the capacity of the applicant for employment as a sworn officer of the department.

Section 2. The aptitude~~[(1) An]~~ examination shall be administered at the times and places designated by the commander of the Recruit Branch~~[commissioner]~~.
~~(2) The commissioner may direct that an examination be conducted regionally if he finds a regional examination to be convenient and practicable.]~~

Section 3. The Recruitment Branch shall work in coordination with the State Police Personnel Board to establish the aptitude test. ~~[An applicant may take the examination:~~

- ~~(1) Two (2) times in a twelve (12) month period.~~
- ~~(2)(a) If an applicant fails the written examination, he may notify the recruitment office of the department that he wishes to retake the examination.~~
- ~~(b) If he has notified the recruitment office as provided by this subsection, he:~~
 - ~~1. May retake the written examination once; and~~
 - ~~2. Shall retake the next written examination that is scheduled at least thirty (30) days after the written examination the applicant failed.]~~

Section 4. An applicant shall have submitted a completed application prior to taking the apti-tude~~[written]~~ examination.

Section 5. The aptitude~~[An]~~ examination shall be rated impartially.

Section 6. An applicant shall be informed of his score.

~~[Section 7. The written examination shall be pass/fail.]~~

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 25, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 2:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may

be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the criteria for the aptitude examination administered by the Kentucky State Police to those who apply to become state troopers.

(b) The necessity of this administrative regulation: This regulation exists to define the procedures used to administer the aptitude test by Kentucky State Police.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms to the content of the authorizing statutes by providing for open and competitive examination as to fitness of applicants for employment as state troopers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation provides the appropriate guidance to applicants on the type of testing that will be prescribed, as well as other necessary information, including how many times the applicant may take the examination.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The primary change to the amendment reflects the designation from a "written" examination to an "aptitude" examination, but also includes minor clarifications to the procedures used.

(b) The necessity of the amendment to this administrative regulation: The amended regulation is necessary to accurately describe the aptitude testing that is administered in order to alleviate any confusion, while also clearly defining how many times an applicant may re-take the examination.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment continues to provide for open and competitive examination as to the fitness of applicants for employment as state troopers.

(d) How the amendment will assist in the effective administration of the statutes: The amended regulation will assist in effectuation of the statutes as it provides updated language to the applicant and appropriate Kentucky State Police personnel.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky State police and applicants to become state troopers.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken; instead the revised regulation accurately reflects the terms that are currently used in administering the aptitude test.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The amended language now accurately reflects the type of examination that is administered, and clarifies the time in which an applicant may re-take the examination.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Nothing.

(b) On a continuing basis: Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this administrative regulation does not establish any new fees or increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky State police and applicants to become state troopers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.050, KRS 16.080(1)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.